Supreme Court, U.S.
FILED

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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
Term 2005

FRANKLIN D. ROUSH, JR.,

Petitioner,

v.

MARY CHALKEY, a/k/a/ MARY MATULA,

Respondent.

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

I. Whether a violation of Due Process arises under the 5th and 14th Amendments of The Constitution of The United States of America when the trial judge conceals until after conclusion of the hearing process and issuing a Decree Nisi that he had a business relationship with Respondent's counsel before, during and after court proceedings, thus requiring his findings of fact and conclusions of law in the Decree Nisi to be vacated and this case dismissed?

II. Whether a violation of Due Process arises under the 5th and 14th Amendments to The Constitution of The United States of America when the trial judge, after the close of taking testimony, without *notice* prior to trial, sua sponte incorporates testimony from a prior preliminary injunction hearing making it the trial on the merits ex post facto, despite two motions to dismiss and plaintiff presented no evidence at trial?

III. Whether a violation of Due Process arises under the 5th and 14th Amendments to The Constitution of The United States of America when, an appeals court raises and decides a new issue on appeal by characterizing without *notice*, Petitioner's first Motion to Dismiss made at the beginning of the trial as limited to Respondent's failure to provide a list of witnesses, despite Petitioner arguing that he received no "list of witnesses, what they were going to testify to, about and any type of reports that he has", Respondent announced that he had no witnesses and the trial judge denied the Motion to Dismiss on the basis that there were no witnesses expected to be called?

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Petition for Allowance of Appeal to Pennsylvania Supreme Court, denied, Order dated February 24, 2005

Reargument denied, Order dated August 13, 2004

Superior Court of Pennsylvania
Order dated June 4, 2004

Transcript of Proceeding from April 7, 2003,
Motion for Permanent Recusal

Transcript of Proceeding from February 14, 2003,
arguments on Motion to Recuse

Final Decree of Judge Krumenacker
dated May 22, 2003

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dated April 7, 2003

Post Trail Motions filed to Decree Nisi
dated December 16, 2002

Decree Nisi of Judge Creany
dated December 16, 2002

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In Chalkey v Roush, the Court of Common Pleas for Cambria County, Pennsylvania Action in Equity Docket Number 1997 - 3857

BASIS FOR JURISDICTION IN THIS COURT

I am a citizen of the United States of America, and I have a fundamental and absolute right to Due Process of the law pursuant to the 5th and 14th Amendments of The Constitution of The United State of America. This Honorable Supreme Court of The United States of America has a duty to uphold my rights and to assure that inferior courts uphold my rights. Ward v. Maryland, 79 U.S. 419, 430 (1870). Jurisdiction of this Court is based on Article III of the Constitution of the United States of America. Order sought to be reviewed was entered as an Order on May 31, 2005, by The Supreme Court of Pennsylvania denying Roush's Application For Reconsideration of Appeal.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution - 5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.